



Case Report

1	Case Number	0412/12
2	Advertiser	Bavarian Bier Cafe
3	Product	Other
4	Type of Advertisement / media	Outdoor
5	Date of Determination	24/10/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

Posters featuring images of men and women exposing their undergarments as traditional Bavarian dress. The text reads, "Release your inner Bavarian this Oktoberfest".

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

Inappropriate despite a token male one beside it. It is basically all a female chest that advertises nothing. I almost witnessed a car crash because of males staring at it. I feel it is in breach of paragraph 2.2 in relation to its inappropriate sexual content.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

The premise of the campaign is to let go of your everyday persona and let your inner fun / celebratory persona come out and play for Oktoberfest.

We developed the campaign to showcase a range of lifestyle representations to appeal to our

demographic and were conscious not to make these gender specific. The suite of images used across the campaign includes business men and women, hipsters, fashionistas, construction workers, surfers and sporty people.

An art direction decision was made to crop the heads out of the framed image, because we want our audience to identify with the character and put themselves in their shoes. Including the faces of the talent distracted from the concept of unveiling a hidden layer of your personality and instead focused the user on the talent themselves.

The imagery focuses on the torso of the models in order to focus on the Bavarian clothing, bringing to life the campaign tag line of 'Release your Inner Bavarian'.

Finally, lederhosen (and dirndls) are traditional Bavarian attire, and not 'undergarments'. The campaign uses both to represent the fun Bavarian persona. Staff dress in these to celebrate our traditions whilst people in Germany wear both on a daily basis.

We do not believe that this campaign is in violation of either paragraph 2.2 or 2.4.

The complaint suggests that the focus of the advertising is only on the female, with the use of a 'token male' and that this objectifies women. The executions using the male model are a core component of the overall campaign and in all instances the Male and Female executions are used in equal weighting and in most cases displayed side by side. The objective of the advertising is not to target men through the female model execution or vice versa. Rather it is for our target market to identify their own 'Inner Bavarian' within themselves by connecting to their every day life, amplifying a desire to step away and enjoy an authentic Oktoberfest experience.

In relation to the advertising being overly sexual in nature, this is NOT the case and was definitely not our intention when developing the execution. Both models are fully clothed and the photography shows them unveiling another layer of clothing. The female and male are both wearing traditional Bavarian attire, lederhosen and dirndls, which are still worn today (definitely not a form of underwear or lingerie) and are much less revealing than swimwear and underwear, which is regularly used in similar advertising formats.

The imagery focuses on the torso of the models in order to focus on the Bavarian clothing, bringing to life the campaign tag line of 'Release your inner Bavarian'. Most of the executions do crop off the model's heads but this is solely in order to allow the person viewing the advertising to visualise themselves 'Releasing their inner Bavarian'.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted the complainant's concerns that the advertisement contains images that are inappropriate and objectifying of women.

The Board viewed the advertisement and noted the advertiser's response.

The Board first considered whether the advertisement complied with Section 2.2 of the Code which states, “Advertising or Marketing Communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted that the poster includes images of both men and women undoing their clothing to reveal the Bavarian-style clothing they are wearing underneath their normal clothing. The invitation to attend the Oktoberfest is directed at various groups including business men and women, hipsters, fashionistas, construction workers, surfers and sporty people.

The Board noted that the advertisement campaign uses images which would appeal to the target demographic of 18-30 year old men and women who would likely attend Oktoberfest. The Board considered that there was a clear connection with the removal of clothing to expose the lederhosen and dirndls (traditional Bavarian attire) and the event of Oktoberfest and also that the images include men as well as women.

The Board noted the complainants concern that the images of the women in particular are degrading and offensive.

The Board noted that the campaign uses images of both men and women equally and that the female model in the images is clearly undressing from her particular ‘daytime’ dress to reveal the Bavarian style dress underneath. The Board considered that the image was consistent with the type of clothing and that such clothing barely exposed her breasts and that this image was not exploitative.

The Board considered that showing the bust of women in this manner was not degrading to the woman and was not using sexual appeal in a manner that is exploitative and degrading and did not breach Section 2.2 of the Code.

The Board considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Board noted that the images did not contain any nudity and that the models were completely covered by the clothing being revealed underneath.

The Board considered that in the context of the promotion of the Oktoberfest event that the material did treat sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.